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By: Nancy Costello Miller
Deputy Attorney General

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF

Administrative Action

ROBERT KARASEK, D.M.D.
License # DI 17237

**ORDER PERMITTING
PRACTICE WITH
RESTRICTIONS**

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

This matter was opened to the State Board of Dentistry in January 2002 upon receipt of information provided demonstrating that Robert Karasek, D.M.D. ("respondent") had written prescriptions for controlled dangerous substances in names of relatives and in the name of "office use" and had obtained those prescriptions for personal use. On January 21, 2002, respondent admitted the conduct and agreed to cease practicing dentistry in this State, and to give his biennial registration, CDS registration, DEA registration, and prescription pads bearing his name to

investigators from the Enforcement Bureau, Division of Consumer Affairs. An Order of Voluntary Surrender of Licensure was entered on February 7, 2002.

Respondent has petitioned the Board to permit his return to practice with certain restrictions. On September 18, 2002, respondent appeared before the Board accompanied by Louis E. Baxter, Sr., M.D., Executive Medical Director of the Physician's Health Program of the Medical Society of New Jersey. Respondent was candid in his discussion of the medical condition that precipitated his self-prescribing conduct, his treatment at an in patient rehabilitation facility, and his ongoing activities in recovery. He indicated that if allowed to return to practice he would comply with Board directives, including continued participation in the Physician's Health Program. Dr. Baxter submitted a position statement supporting respondent's petition. Additionally, the Board received a letter from Arnold M. Washton, Ph.D., respondent's treating psychologist, who observed that respondent appears ready to return to practice. Finally, respondent discussed a job opportunity that has been made available to him and the willingness of that dental group to cooperate in any monitoring or supervisory requirements imposed by the Board.

In its review of the information available to it, the Board determined that respondent had written prescriptions for family members without making and maintaining a patient record and that respondent had, because of his medical condition, failed to complete 30 of the 40 continuing education requirements for the current biennial period. These actions violate the Board's statute and regulations. The Board is nonetheless persuaded that respondent has taken significant strides toward rehabilitation and control of his life.

The Board finds that, with significant restrictions, respondent may return to practice at this time. The Board believes his addiction was the underlying cause of his serious misconduct in self-

prescribing and notes that respondent has now taken steps to address his illness. He is, however, in early recovery. Any deviation from the terms of this order will result in immediate and significant sanctions, including suspension or revocation of respondent's license to practice. The Board's decision to permit reinstatement of respondent's license must not be viewed as tolerance of drug abuse or minimizing respondent's conduct. Given the restrictions set forth in this order, the Board finds that respondent may return to practice consistent with the public health, safety and welfare.

IT IS, therefore, on this 25th day of September, 2002,

ORDERED THAT:

1. (a.) Dr. Karasek shall submit to random urine sampling twice a week at a laboratory facility approved by the Board. The urine testing requirement shall continue until further order of the Board expressly reducing or discontinuing testing. Dr. Karasek shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the Executive Director of the Board. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b.) All test results shall be provided to Kevin B. Earle, Executive Director of the Board, or his designee in the event he is unavailable. The Board retains sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that

a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c.) Any failure by Dr. Karasek to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event Dr. Karasek is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Kevin B. Earle, or his designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, Dr. Karasek must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that he was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of Dr. Karasek that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d.) In the event Dr. Karasek will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e.) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.009 shall be deemed a confirmed positive urine test.

(f.) Dr. Karasek shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such

substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

2. Dr. Karasek shall continue his participation with the Physicians' Health Program ("PHP") and shall have face to face contact with representatives from that program as directed by the program. Dr. Karasek shall comply with after care as directed by the PHP and shall comply with any recommended therapeutic regime for treatment or counseling. Dr. Karasek shall be responsible for ensuring that any treating psychologist and any other person(s) providing therapy for his addiction provide the Board with bi-monthly reports regarding his progress in counseling.

3. Dr. Karasek shall attend support groups, including NA or AA not less than five (5) times per week. Dr. Karasek shall provide evidence of attendance at such groups directly to the Board. If Dr. Karasek has discontinued attendance at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this Order.

4. Dr. Karasek shall abstain from the use of alcohol and controlled dangerous substances and shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, Dr. Karasek shall advise any and all treating physicians and/or dentists of his history of substance abuse. Dr. Karasek shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

5. Dr. Karasek's controlled dangerous substance registration remains surrendered until further order of the Board.

6. Dr. Karasek shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the bi-monthly reports to the Board, the beginning of the first period is deemed to have commenced October 1, 2002.

7. Dr. Karasek may be employed as a dentist in a dental practice and shall be supervised by a licensed dentist in that practice. He shall not work more than 25 hours in a week.

(a.) Dr. Karasek shall provide a copy of this order and any further orders of the Board related to him to the director of the dental group employing him.

(b.) Dr. Karasek shall provide to the Board a signed statement by the director of the dental group in which he accepts responsibility for his or her role in monitoring respondent's practice and in which he or she agrees to report any relapse or suspected relapse by Dr. Karasek to the Board of Dentistry within twenty-four (24) hours thereof.

8. Dr. Karasek shall complete the 30 continuing education credits necessary for the 2001-2003 renewal period within six (6) months of the entry of this order. These credits are in addition to the forty (40) hours required to be completed by October 31, 2003, for the biennial renewal period 2003-2005.

9. Dr. Karasek is admonished for his conduct in failing to maintain patient records on family members for whom he prescribed controlled dangerous substances and for his conduct in self-prescribing.


10.(a.) Dr. Karasek shall be subject to an order of automatic suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse.

(b.) Dr. Karasek shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

11. Respondent may apply for modification of the terms of this order not sooner than one year following its entry, except that the Board will consider recommendations from respondent's treating psychologist regarding modification of his counseling program as appropriate. Prior to considering modification of the terms of the order, the Board may require respondent to submit to an independent psychiatric or other medical examination and have the results of that examination provided to the Board.

New Jersey Board of Dentistry

By:


William A. Orlacchio, D.D.S. 9/25/08
President